

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LAVAR ELLIS,

Petitioner,

vs.

UNITED STATES OF AMERICA

Respondent.

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No. 4:09cv00141 SWW
(No. 4:07cr0077 SWW)

ORDER

Petitioner Lavar Ellis filed a 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence and the Court directed the government to file a response to petitioner's motion. The government timely filed its response on March 18, 2009 [doc.#29]. Subsequently, petitioner sent a letter to the Clerk's Office dated April 27, 2009, stating he never received a copy of the government's response. Indeed, the certificate of service on the government's response inexplicably states that the government forwarded a copy of the response to petitioner's attorney of record, not petitioner himself. Petitioner's attorney of record, however, is one of the subjects of the § 2255 motion and likely was unaware the government failed to serve the petitioner. In the future, the Court would direct that the government directly serve petitioner its response to any § 2255 motion. In the meantime, the Court directs that the Clerk of Court forward a copy of the government's response [doc.#29] to petitioner as soon as practicable.

IT IS SO ORDERED this 6th day of May 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE